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In Re Patent Application of:  
Siani, M.A. et al.

Serial No.: 09/144,838

I. Filed: August 31, 1998

For: Modular Protein Libraries and  
Methods of Preparation

Examiner: Celsa, B.M.

Art Unit: 1639

Atty. Dkt.: 3504.183 GRFN 020/01-US

**Terminal Disclaimer to Obviate a Double Patenting Rejection Under  
37 C.F.R. § 1.321(c)**

Hon. Director of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I, (Name of disclaimant) James A. Bradburne, represent that I am a representative authorized to sign on behalf of the assignee of the above-captioned patent application.

(Name of assignee)  
(Address of assignee)

Gryphon Therapeutics, Inc.  
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(Title of disclaimant)

Executive Vice-President

Certificate Under 37 C.F.R. § 3.73(b)

**Gryphon Therapeutics, Inc.** is the owner of the entire right, title, and interest in U.S. Patent Application Serial No. 09/144,838 by virtue of an assignment from the inventors to **Gryphon Sciences** recorded at the United States Patent & Trademark Office on 31 August 1998, at Reel 009486, Frame 0690, and by virtue of an assignment from **Gryphon Sciences** to **Gryphon Therapeutics, Inc.**, recorded at the United States Patent & Trademark Office on 13 May 2003, at Reel 014074, Frame 0965.

**Gryphon Therapeutics, Inc.** is the owner of the entire right, title, and interest of the U.S. Patent No. **6,326,468**, by virtue of an assignment of rights to U.S. Patent Application Serial No. **09/097,094** recorded at the United States Patent & Trademark Office on 9 October 1998, at Reel 009502, Frame 0550, and by virtue of an assignment from **Gryphon Sciences** to **Gryphon Therapeutics, Inc.**, recorded at the United States Patent & Trademark Office on 13 May 2003, at Reel 014074, Frame 0965.

## *II. Disclaimer*

**Gryphon Therapeutics, Inc.** hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Patent Application Serial No. **09/144,838** that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. **6,326,468**, as shortened by any terminal disclaimer filed prior to the grant of such patents.

**Gryphon Therapeutics, Inc.** hereby agrees that any patent granted on U.S. Patent Application Serial No. **09/144,838**, and on U.S. Patent No. **6,326,468** shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. **6,326,468**. This agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. **6,326,468**, as shortened by any terminal disclaimer filed prior to the grant of such patents, in the event that U.S. Patent No. **6,326,468** expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

**This disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d).**

I, James A. Bradburne, hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



James A. Bradburne  
Executive Vice-President  
Gryphon Therapeutics, Inc.

Date: 5/27/04